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ABSTRACT

A coalition of health groups wants the R. J. Reynolds Tobacco Company (RJR) to discontinue the use of the Joe Camel cartoon character in its cigarette advertisements. RJR has denied the findings of the three studies published in the "Journal of the American Medical Association" and cited by the health groups--these studies contend that these ads lead children and adolescents to smoke. The controversy can be viewed from three perspectives: (1) the regulatory perspective of the Federal Trade Commission; (2) the perspective of the advertiser, with emphasis on First Amendment rights; and (3) the advertising strategy perspective. RJR's decision to use Joe Camel as a mascot for its cigarettes is defensible from the viewpoint of both the First Amendment rights of the advertiser and the marketing communication viewpoint. However, the adoption of an extremely defensive stance by the marketer is not likely to earn the company much goodwill from consumers or lawmakers. It is concluded that since RJR claims that it is not interested in targeting children and teenagers with its marketing efforts, it should have little hesitancy about using the charismatic charms of Joe Camel in an intensive media campaign advising teenagers and young adults of the negative consequences of cigarette smoking. (Contains 37 references.) (Author/RS)

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THE CAMEL CONTROVERSY: SAME BEAST, DIFFERENT VIEWPOINTS.

A POSITION PAPER

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ABSTRACT

A coalition of health groups wants the R.J. Reynolds Tobacco Company (RJR) to discontinue the use of the Joe Camel cartoon character in its cigarette advertisements. RJR has, predictably, denied the findings of the studies. This paper examines the controversy from three perspectives: (1) the regulatory perspective of the Federal Trade Commission, (2) the perspective of advertiser, with emphasis on First Amendment rights, and (3) an advertising strategy perspective. Recommendations for managerial action are offered.

Presented at the Annual Convention of the Association for Education in Journalism and Mass Communication, Professional Freedom & Responsibility Session, Advertising Division, Kansas City, Missouri, August 11-15, 1993.

THE CAMEL CONTROVERSY: SAME BEAST, DIFFERENT VIEWPOINTS.

A coalition of health groups — formed by members of the American Cancer Society, the American Heart Association and the American Lung Association — wants the R.J. Reynolds Tobacco Company (RJR) to discontinue the use of its cartoon character Joe Camel, the mascot for Camel cigarettes. The coalition has cited three studies from the *Journal of the American Medical Association* (JAMA) contending that the cartoon-like ads lead children to smoke, and petitioned the Federal Trade Commission to take action against the cartoon camel, who has been used in cigarette ads since 1987 (Dagnoli, 1991).

The three studies were published by JAMA in late 1991. The first study estimated that the use of the cartoon character boosted the market share of Camel cigarettes among the (illegal) children's market from 0.5% before the campaign to 32.8% in 1991 (DiFranza et al. 1991). The study also estimated that sales of Camel cigarettes to children rose from $6 million to a figure of $476 million during the same period. The second study found that children of ages 12 and 13 registered the highest recognition of the Camel campaign, and that Camel's market share among 12-to-17-year old boys was almost twice that among 18-to-24-year old men (Pierce et al. 1991). The third study (Fischer et al. 1991) found that 6-year-olds recognize Joe Camel as representing cigarettes at a rate nearly equal to their recognition of Mickey Mouse as representing the Disney Channel (Dagnoli 1991).

An independent survey, conducted for *Advertising Age* by a market research company, seems to corroborate some of the JAMA's findings. The study reported that Camel was the most highly recalled brand of cigarettes

among pre-teen respondents. The brand was the second-highest recalled among teenage respondents, next only to Marlboro (Levin, 1992).

While RJR has predictably denied the findings of the JAMA studies, these studies have recently been disputed by a few other researchers as well. Mizerski, Sonner and Straughn (1993) have criticized the studies on methodological grounds and feel that there is little empirical support for many of the findings reported by DiFranza et al. (1991).

The coalition's actions following the JAMA article, and the ensuing controversy in both popular and academic circles have once again focused attention on the issue of public policy with respect to cigarette advertising and children's advertising. This paper examines the issue from three perspectives: (1) the regulatory perspective of the Federal Trade Commission, (2) the perspective of marketer, with emphasis on its First Amendment rights, and (3) the perspective of the marketer with reference to advertising strategy. Specifically, in order to understand the managerial implications of the issue, we can also look at some of the reasons why a marketer like RJR might want to use a cartoon character like Joe Camel to promote a product that is ostensibly targeted only toward adult consumers, and to review very briefly the literature on the effects of advertising upon children.

THE FTC AND CIGARETTE ADVERTISING

The federal government's power to regulate advertising is found chiefly in the Federal Trade Commission (FTC). Important provisions covering advertising regulation include Section 5, Section 12 and Section 15. Section 5 declares "unfair or deceptive acts or practices in or affecting commerce" to be unlawful. Section 12 forbids any "false advertisement" likely to induce the purchase of food, drugs, devices or cosmetics. If a practice is in violation of Section 12, it is also a violation of Section 5. Section 15 defines a

false advertisement, for purposes of Section 12, as one that is "misleading in a material respect (FTC Act; Lichtenberger, 1986)."

The FTC's attempts to regulate cigarette advertising have been the subject of considerable legal and academic debate even before the emergence of the Joe Camel controversy. In 1955, the FTC established voluntary advertising guidelines for the industry which prohibited cigarette companies from making any unsubstantiated health claims about tobacco products. In 1960, the FTC decided that any statements in ads about tar and nicotine content also fell under the umbrella of health claims, and hence disallowed such claims. However, following the Surgeon General's report in 1964 and other medical findings that filtered cigarettes were less dangerous than unfiltered ones, the FTC reversed itself in 1966 and argued that it would no longer consider tar and nicotine statements to be health claims (McAuliffe, 1988). After the Surgeon General's report on the health consequences of cigarette smoking was released in 1964, the FTC proposed labelling regulations including health warnings for cigarettes that ultimately lead to the 1965 Federal Cigarette Labeling and Advertising Act. In 1971, the FTC's efforts lead to the Public Health Cigarette Smoking Act, which banned all broadcast advertising for cigarettes. Warning labels on cigarette packages were also strengthened.

In a recent review article on the subject, McAuliffe (1988) has said that one problem plaguing the government's efforts to regulate cigarette advertising has been the proper definition of the "public interest." Most of the regulations promoted by the FTC were aimed at eliminating deceptive advertising practices and improving the information available to the public. However, McAuliffe feels that the FTC's policies have tended to serve the tobacco industry rather than the public interest. Several other researchers

have also expressed the view that cigarette advertising is a stimulant for intra-industry competition, that it motivates manufacturers to develop safer products and to engage in "fear-based" message strategies that communicate the health risks of smoking (Bloom, 1990; Calfee, 1987; Ringold and Calfee, 1989).

Other researchers opposed to further regulation of cigarette advertising have argued that cigarette advertising does not induce people to start (or quit) smoking, but can only induce brand switching (Boddewyn, 1986; Moschis, 1989; Ward, 1986). This viewpoint mirrors the stance of the tobacco industry. Interestingly, a survey of advertising practitioners conducted by Crowley and Pokrywczynski (1991) found that the majority of respondents did not endorse this viewpoint; they believed that cigarette advertising persuades people to take up smoking, in addition to inducing brand switching. At the same time, these practitioners were opposed to the imposition of any further regulations on cigarette advertising.

On the other hand, as noted by King, et al. (1991), several critics see all forms of cigarette advertising as inherently manipulative, with behavioral consequences that are harmful to the public's health (Altman, et al., 1987; Blum, 1986; Pollay, 1989). They also point out that even if cigarette advertising is not outright deceptive, then it certainly does not contain much useful information that could benefit the public. A study commissioned by the Toxic Substances Board (1989) rejected the proposition that advertising bans slow down the shift to filter-tips or to low-tar cigarettes, as suggested by opponents of regulation.

Pollay (1989) has been extremely critical of some of the earlier content-analytic studies of cigarette advertising (e.g., Ringold and Calfee, 1989) for

coding only verbal claims while ignoring visuals. His arguments regarding visuals are relevant to the Camel case:

> Visuals are an important and powerful communication... Viewing visuals is experiential, not cognitive. Visuals are perceived and assimilated rapidly, with little apparent counter-arguing in contrast to how verbal and cognitive inputs are processed. Repeated exposures to visual imagery rehearses certain perceptions and biases collective experience to influence the imagery associated with smoking, including perceived health risks (Pollay, 1989).

In this vein, it may be argued that Joe Camel, who is verbally described as being a "smooth character," serves as a powerful visual role model for children who are exposed to the ads in which he is featured, and may wish to emulate his "smoothness" through the consumption of Camel cigarettes.

In a content analysis of print ads for cigarettes, King et al. (1991) found that cigarette ads published after the ban on broadcast advertising grew larger, more photographic, more colorful and more visually dominant than ads published before the ban. However, this study contradicted conclusions by earlier researchers (Albright et al., 1988) which asserted that cigarette manufacturers had placed proportionally more ads in youth magazines than in magazines targeted toward other population segments. King and her associates make no attempts to draw public policy conclusions based on their findings, although they note that critics of cigarette advertising might see their results as additional support for further regulation (King et al., 1991, p.77).

THE FTC AND CHILDREN'S ADVERTISING

The FTC uses the so-called "reasonable consumer" test to determine if an ad is indeed deceptive: "A material practice that misleads a significant minority of reasonable consumers is deceptive." Previous FTC pronouncements have also used the "substantial numbers" test, which states that an ad is deceptive if it misleads "a substantial percentage," "substantial

numbers," or "some reasonably significant number" of consumers (Lichtenberger, 1986, p. 7).

With respect to advertising directed toward children (and other special target audiences, such as the elderly), the FTC takes into account the age and nature of the audience as well as the nature of the advertising claims. In its *Ideal Toy* decision, the FTC noted that "False, misleading and deceptive advertising claims beamed at children tend to exploit unfairly a consumer group unqualified by age or experience to anticipate or appreciate the possibility that representations may be exaggerated or untrue (Lichtenberger, 1986)."

In the Joe Camel case, however, the FTC cannot readily apply this criterion, as Camel advertising cannot be said to be directed toward a child audience. There is a ban on the sale of tobacco products to minors the enforcement of which is the responsibility of another federal agency, the Bureau of Alcohol, Tobacco and Firearms. Further, RJR has always denied even the slightest suggestion that Joe Camel targets children. At the same time, it has stated that attempts to ban the use of Joe Camel would infringe upon its First Amendment rights.

THE FIRST AMENDMENT AND ADVERTISING

The First Amendment states, among other things, that "Congress shall make no law... abridging the freedom of speech, or of the press..." However, until recently, commercial speech (including advertising) was considered to be significantly different from political speech, and hence not protected by the First Amendment. Two landmark cases in 1975 (*Bigelow v. Virginia, 1975* and *Virginia Pharmacy Board v. Virginia Consumer Council, 1975*) opened the way for at least partial protection of commercial speech, and the case of *Central Hudson Gas v. Public Service Commission* (1980) helped define the

so-called four-pronged test to determine if commercial speech can indeed be regulated.

The four parts of the *Central Hudson* test are presented below, along with an analysis of their applicability to the Joe Camel case.

1. *Does the commercial speech at issue concern a lawful activity?* As the sale of cigarettes to adults (the intended target audience) is indeed lawful, the Joe Camel ads satisfy this part of the *Central Hudson* test. A corollary to this prong of the test is that the ad must be free of misleading claims. While the details are open to debate, the limited verbal and visual claims made by the Camel ads probably do not constitute more than puffery, which cannot be classified as deceptive advertising, although some scholars have argued that it should (e.g., Preston).

2. *Is the asserted government interest to be served by the restriction of the commercial speech substantial?* If the government hopes to improve the health of the public through a reduction in cigarette smoking, then it may indeed be argued that the governmental interest in this issue is substantial. Even using a narrow definition, if the government wishes to reduce the promotion of tobacco products to minors (for whom it is illegal to consume such products), then it may still argue that it has a substantial interest in such a restriction. However, the government must first establish that the Joe Camel campaign is having substantial negative effects on minors.

3. *Does the regulation directly advance the governmental interest asserted?* As noted above, the evidence on the impact of advertising regulation on cigarette consumption is inconclusive. Using a regression analysis including dummy variables for the broadcast advertising ban, Abernathy and Teel (1986) found that advertising regulations appeared to reduce cigarette consumption, but their methodology has been questioned by McAuliffe (1988). In the specific case of Joe Camel, regulators would probably need to establish not only a high awareness of Camel ads among minors (as the JAMA and *Advertising Age* studies have done), but also that a cessation of the campaign would result in a reduction in the incidence of smoking among minors.

4. *Is the restriction narrowly tailored, i.e. no more extensive than necessary to further the interest asserted?* This is probably the test that the proponents of regulation would find the hardest to pass. As noted above, the sale of tobacco products to minors is already banned, and the Bureau of Alcohol, Tobacco and Firearms is charged with the enforcement of the ban. RJR might quite accurately argue that the least restrictive alternative available to the government would be to ensure a proper enforcement of the ban, and not restrict RJR's advertising of a legal product toward an adult target audience.

Some scholars have observed that the extent of protection accorded to commercial speech by the *Central Hudson* test has to some extent been undermined by the re-interpretation of test in the case of *Posadas de Puerto Rico v. Tourism Company of Puerto Rico* (1986). Using *Posadas* as a precedent, the government need not prove that restriction of commercial

speech is the least restrictive means for serving its interest. It need only show that the regulation is "reasonable." Hovland and Taylor (1990) have expressed the opinion that *Posadas*, and subsequent cases citing it as a precedent, are likely to escalate the uncertainty surrounding the constitutional protection accorded to commercial speech, especially as the debate increases about regulation of tobacco and alcohol advertising.

ADVERTISING TARGETED TOWARD CHILDREN

In addition to claiming First Amendment protection for its advertising, RJR may also point out that the literature concerning the effectiveness of using cartoon characters in advertising products directed toward children is itself far from conclusive.

Children are exposed to a wide variety of advertising through broadcast and cable television, radio, billboards and print media such as magazines. Children are exposed not merely to advertising targeted specifically toward them, but also toward adults. However, most research attention on children and advertising has focused on advertising targeted specifically to children (Raju and Lonial, 1990). According to one study, a child under 12 may be exposed to as many as twenty to twenty five thousand advertisements (Ward, 1978). While a recent review article on the subject (Raju and Lonial, 1990) acknowledges in passing that children are exposed to outdoor and print advertising, including ads in magazines that specifically target this segment, most research on children's advertising has focused on television commercials. The reason for this is twofold — first, children are more likely to be exposed to advertising through television than any other medium; second, television is a much more intrusive medium than print and outdoor, hence its potential impact on a child during the formative years has been much cause for concern.

Over the years, researchers found that all children — even very young ones — paid less attention to commercials than to program material (Ward, Levinson and Wackman, 1972; Ward, 1978). Older children (11 and 12-year olds) are more negative and critical towards advertising than younger children. Other studies have found that children over the age of seven can distinguish commercials from program material (Stutts, Vance and Hudelson, 1981). Studies on the impact of host-selling (i.e. endorsement or promotion of a product using characters that appear in a program preceding the commercial) have reported conflicting findings. Atkin (1975) found that host-selling enhanced children's desire for the advertised product, but his findings have been refuted by Hoy, Young and Mowen (1986), who replicated Atkin's study and reported exactly the reverse results.

In general, researchers studying the impact of advertising on children under the paradigm of Piaget's theory of cognitive development (Piaget, 1970) appear to be more concerned about effects on children in the pre-operational (two to seven years) and concrete operations (seven to eleven years) age groups. According to Piaget, children in the formal operations stage (eleven years and older) are able to think in abstract terms and use all aspects of a stimulus. Children in this stage can use reason and logic (Raju and Lonial, 1990).

Applying the above findings to the RJR Camel case, it may be argued that if children (especially above the age of eleven) can build resistance to messages from even an intrusive medium like television, then one need have even less concern about the negative impact of print and billboard advertising, especially when such ads do not directly target children. While Joe Camel is a cartoon character (and these are known to appeal to children), the findings on animated host-selling do not prove that even host-selling

commercials embedded in well-liked programs are any more persuasive than other kinds of commercials.

Most children who are likely to be accidentally exposed to RJR's Camel ads are likely to be in an older age group, where they have sufficient cognitive defenses against advertising and other forms of persuasion. Further, as RJR is prohibited by law from using broadcast media, it has less scope than most advertisers to bring its mascot to life through animation (although it may be noted that RJR has engaged in some extremely novel forms of advertising, including the use of musical chips embedded in print ads in *Rolling Stone* magazine).

The above arguments seem to suggest that research findings on the persuasive effects of advertising directed toward children might be used to support RJR's case as much as they might be used by those arguing in favor of greater advertising regulation. However, instead of a persuasion paradigm, advertising for tobacco products may alternatively be viewed through a social learning or socialization paradigm (Bandura 1971). As paraphrased by Atkin (1982), this conceptualization proposes that modeled behaviors, such as eating or playing with toys (or, in our case, smoking) portrayed in advertising will lead to higher levels of consumption of corresponding products by the (child) viewers. Critics of the Camel ads using this paradigm might argue that the depiction of Joe Camel as a "smooth character" might lead children to associate positive attributes with cigarette smoking, and therefore be more tolerant of smoking behavior and perhaps even accept it as a part of being "smooth" or sociable. However, Atkin (1976) is of the opinion that the impact of such advertising would be generic rather than brand-specific, since disinhibition or response facilitation explains responses to a broader category of depicted products (e.g., cigarettes) rather than to the distinctive brands

within the category (e.g., Camel). Raju and Lonial (1990) feel that the literature on social learning is too scant to permit any definitive statements with respect to the impact of advertising on children.

A MARKETING COMMUNICATION STRATEGY PERSPECTIVE

The foregoing discussion might well lead the reader to ask why RJR would be interested in using a cartoon character like Joe Camel, if its intention is not to target children. The introduction of another cartoon mascot — a penguin — endorsing Brown and Williamson Tobacco Corporation's Kool cigarettes resulted in this burst of scathing sarcasm from a leading advertising reviewer in a trade publication (Garfield 1991):

> While level-headed adults might be amused by the sophistication of quips like, "Kool? You're lookin' at it," there is no scientific proof that young people aspire to appear cool. The Kool penguin is an adult piece of artwork, reminiscent of Michaelangelo, Raphael, Donatello and Leonardo.

Garfield overlooks the fact that quite a few products marketed toward adults use cartoon spokes-characters, either borrowed from regular animated features (such as the Pink Panther for Owens Corning Fiberglass Insulation, and the Peanuts gang for Metropolitan Life Insurance), or characters created especially for the marketer such as the Pillsbury Doughboy, the Green Giant, and Elsie the Borden Cow (Stern 1988). Drawing on earlier literature, Callcott and Alvey (1991) have suggested three reasons for the popularity of spokes-characters. First, these characters serve as an object of nostalgia. (For example, Borden's efforts to abandon Elsie the Cow were foiled when a market research study showed that shoppers liked her and wanted her back.) Second, spokes-characters provide the opportunity to create a unique identity for the product. Finally, spokes-characters can serve as positive affective cues in that people generally enjoy watching cartoons, and tend to associate positive feelings with them. In short, the use of a cartoon mascot is probably part of a sound

marketing communication strategy, especially if the spokes-character can be uniquely associated with a brand, as in the case of Joe Camel.

CONCLUSION AND RECOMMENDATIONS

After reviewing the three perspectives presented above, it would appear that RJR's decision to use Joe Camel as a mascot for its cigarettes is defensible from a viewpoint of both the First Amendment rights of the advertiser, as well as from a marketing communication viewpoint. However, the adoption of an extremely defensive stance by the marketer is not likely to earn the company much goodwill from consumers or lawmakers. At present, RJR has urged regulatory agencies to enforce more strictly the ban on the sale of tobacco products to minors. This is a move in the right direction, but it is probably insufficient to salvage RJR's damaged reputation.

Crowley and Pokrywczynski (1991) point out that counter-speech — pointing out the negative consequences of smoking — is a less restrictive alternative to banning cigarette advertising. There have even been suggestions that cigarette companies should be made to finance such counter-speech. Although such suggestions were opposed by advertising professionals in the study by Crowley and Pokrywczynski (1991), some forms of counter-speech have been adopted by the the Smokeless Tobacco Council and the Distilled Spirits Council. Both of these trade associations run print advertising urging people to abstain from the use of alcohol/ chewing tobacco until they attain the age at which they may legally decide to use them. In the same vein, RJR's claim that it does not wish to promote underage smoking will gain more credibility if the charismatic charms of Joe Camel were made available as part of an intensive media campaign advising teenagers and young adults of the negative consequences of cigarette smoking. If Joe Camel is indeed the highly credible and charismatic spokes-character that the

coalition of health groups believe him to be, then such an approach could only help discourage underage smoking. RJR claims that it is not interested in targeting children and teenagers with its marketing efforts, hence it should have little hesitancy about adopting such a strategy. If it does, it will only lay its own credibility and intentions open to further questioning.

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